

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY WILLIAMS,

Petitioner,

Case Number: 06-CV-12670

v.

HONORABLE ARTHUR J. TARNOW

ANDREW JACKSON,

Respondent.

ORDER (1) GRANTING PETITIONER'S REQUEST TO WITHDRAW "MOTION FOR DELETION OF GROUNDS 12L, 18R, 23W, 22V, 13 M" AND (2) REQUIRING CLARIFICATION OF PETITIONER'S "MOTION FOR DELETION OF ALL UNEXHAUSTED GROUNDS NUMBERS 8H THROUGH 25Y WITHOUT PREJUDICE"

Petitioner Rodney Williams filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court issued an Order directing Respondent to file a responsive pleading by August 28, 2006. Petitioner then filed two motions: (1) "Motion for Deletion of Grounds 12L, 18R, 23 W, 22V, 13M," (First Motion) and (2) "Motion for Deletion of All Unexhausted Grounds Numbers 8H through 25 Y Without Prejudice" (Second Motion).

In a letter to the Clerk of Court accompanying the Second Motion, Petitioner states that the First Motion was filed in error and requests that he be permitted to withdraw that motion. The Court grants Petitioner's request and shall allow the First Motion to be withdrawn.

In his Second Motion, Petitioner asks for permission to delete without prejudice certain claims from the petition. Federal Rule of Civil Procedure 15 permits a party to amend a pleading once as a matter of course at any time before a responsive pleading is served. However, the motion does not clearly identify the particular claims Petitioner wishes to delete. In his motion, Petitioner identifies claims "8H through 25Y" as those he wishes to delete. However, the claims

in the petition are not in numeric order. For example, claim “7E” follows claim “8H,” and claim “2B” follows claim “5E.” It is unclear whether Petitioner wishes to delete all claims listed between claims 8H and 25Y in his petition or whether he wishes to delete only those claims which numerically fall between 8 and 25. Therefore, the Court orders Petitioner to specifically identify the claims he wishes to delete within 21 days from the date of this Order.

Accordingly, **IT IS ORDERED** that Petitioner’s request to withdraw “Motion for Deletion of Grounds 12L, 18R, 23 W, 22V, 13M” [Dkt. # 3] is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner must clarify his “Motion for Deletion of All Unexhausted Grounds Numbers 8H through 25 Y Without Prejudice” as set forth above within **TWENTY-ONE DAYS** from the date of this Order.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: August 4, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 4, 2006, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary